

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Michael Lee Malone,	)	
	)	C/A No.: 3:12-cv-01153-GRA
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	(Written Opinion)
Carolyn Colvin,	)	
Acting Commissioner of Social Security, <sup>1</sup>	)	
	)	
Defendant.	)	
_____	)	

This matter comes before the Court for review of the Report and Recommendation filed by United States Magistrate Judge Joseph R. McCrorey, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a) (D.S.C.). Plaintiff Michael Lee Malone ("Plaintiff") brought this action pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), to obtain judicial review of a final decision of the Commissioner of Social Security denying his claim for disability insurance benefits. ECF No. 1. Magistrate Judge McCrorey recommends that the Commissioner's decision be reversed and that the case be remanded for further administrative action consistent with the Report and Recommendation. Report and Recommendation 17, ECF No. 23. The Commissioner filed a notice that she will not file objections to the Report and Recommendation. ECF No. 24.

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<sup>1</sup> Carolyn W. Colvin became Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, she should be substituted for Michael J. Astrue as the defendant in this suit.

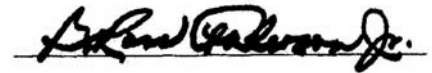
For the reasons stated herein, the Court adopts the Report and Recommendation in its entirety.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the Report and Recommendation and relevant case law, this Court finds that the Report and Recommendation applies sound legal principles to this case. Therefore, the Court adopts it in its entirety.

**IT IS THEREFORE ORDERED** that the Commissioner's decision is REVERSED pursuant to sentence four of 42 U.S.C. § 405(g) and that the case is REMANDED for further administrative action as set forth in the Report and Recommendation.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.  
Senior United States District Judge

June 14, 2013  
Anderson, South Carolina